

**Revised**

**PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING  
THURSDAY, JANUARY 17, 2008 – 10:00 AM  
CITY HALL, 8<sup>TH</sup> FLOOR  
COMMISSION CONFERENCE ROOM**

**BOARD MEMBERS PRESENT**

Peter Partington, City Engineer  
Tom Terrell, Public Works Maintenance Manager  
Carol Ingold, Parks & Recreation  
Mark Darmanian, Utilities Distr. & Collections Manager  
Michael Maloney, Code Enforcement Manager  
Ella Parker, Planner III

**STAFF AND GUESTS (see attached sign-in sheet)**

(Names spelled phonetically when necessary)

Victor Volpi, Senior Real Estate Officer	Ursula Grossman, White Egret
Dennis Girisgen, Land Development Mgr., Public Works	Scott Basista, White Egret
Bruno Francois, Cedarwood Dev.	Diana Alarcon, FTL Parking
Nectaria Chakas, Ruden McCloskey	Barbara Howell, FTL WW 2011
Joe Holland, PE	Molly Hughes, Hughes Hughes, Inc.
Jack Cummings, Resident	E. Miranda Lopez, Dolphin/CAB
Cathy Donn, Craven Thompson	D.J. Kerber, Dolphin Isles
Robert Conners, Craven Thompson	Gregory Rolf, Dolphin Isles
Pio Ieraci, Pres., Galt Ocean Mile Condo	Joe Veilly, Pres., Vue Condominium
Harold Malinsky, Shore Club Condo	Frederick Singer, Treas., Vue Condo.
Charles Bouskey, Shore Club Condo	Kevin Songer, Galt Mile
Joe Amorosino, Pres., Lauderdale Bch H/O	Sandra Noonan, Resident
Art Seitz, CBA	Traci Scheppsky, Keith & Assoc.
W. Tucker Gibbs, The Palms	Stephanie Tootharek, Blosser & Sayfie
Bruce Brosch, NBWW	Greg Moore, Everglades Club
Joe Herndon, Fairwinds	David Breitenbach, Palms Tower II
Mari Mennel Bell, Resident	Robert Lochrie, Ruden McCloskey
Andy Mitchell, Fairwinds	Frances Reynolds, Resident
Donna Kernin, Resident	Brian Donaldson, Birch Park
L. Jamieson, Resident	Gary Kelp, Dolphin Isles
Elizabeth Rivera, Recording Clerk, Prototype	Jeff Lucas, Ft. Lauderdale Fire Dept.

**CALL TO ORDER**

Mr. Partington called the meeting to order at 10:12 a.m., and stated this was a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property and public rights-of-way.

Following roll call, it was determined that a quorum was present.

**ITEM ONE:**                    **APPROVAL OF DECEMBER 20, 2007 MINUTES**

**Motion** made by Mr. Darmanian, seconded by Mr. Terrell, to approve the minutes of the December 20, 2007 meeting. In a voice vote, the motion passed unanimously.

**ITEM TWO:**                    **VACATION OF EASEMENTS**

Address or  
General Location:        1815 E Commercial Boulevard

Mr. Volpi read this item into the record stating that the applicant was requesting a positive recommendation to vacate a 12-foot platted utility easement and a 20-foot utility easement, both of which will be relocated at the applicant's expense.

Ms. Chakas gave a presentation to the Committee on behalf of the applicant, providing a brief history of the subject premises, as well as outlining the buildings located on the property. She stated there are no objections to the easement vacations by the utility companies.

Mr. Darmanin expressed concern regarding the pump station located across the street, stating it is for the City as well as for Holy Cross Hospital and that there can be no interruption of power to the pump station.

Ms. Chakas pointed out that the property is not a right-of-way; it is a utility easement which had been a right-of-way alley at one time, but had been vacated by the City in 1993 with a clause for the City to retain the area as a utility easement. Mr. Partington noted, however, that the area is used as a traffic alleyway or driveway for the current development between 18<sup>th</sup> Terrace and 18<sup>th</sup> Avenue.

Mr. Partington also inquired whether there were any prescriptive rights and was advised that once property is vacated by ordinance passed by the City Commission, prescriptive rights are "done away with" and although the City Commission has options to reacquire, those would be under extreme legally-determined circumstances.

Ms. Chakas indicated they have just filed their Site Plan Application and are waiting for a DRC number prior to initiating contact with the neighborhood.

It was requested that in the new utility plan there be private separation of drainage.

**Motion** made by Mr. Darmanian, seconded by Ms. Ingold, to approve the vacation of the utility easements pending legal review by the City's attorneys. In a voice vote, the motion passed unanimously.

At the request Mr. Partington, the walk-on Item Four, Staging Area, was moved up on the agenda for discussion.

**ITEM FOUR**                      **STAGING AREA**

Address or  
General Location:        2600 W Broward Boulevard

Mr. Volpi introduced this item stating that WaterWorks 2011 was requesting a positive recommendation from the Committee to permit a staging area at 2600 West Broward Boulevard. The contractor will be Asphalt Construction, Inc., which will be using the property from December 31, 2007 through February 23, 2009; the property owners are Riverbend South LLC.

Traffic patterns and construction locations were briefly discussed.

**Motion** made by Mr. Darmanian, seconded by Mr. Terrell, to approve. In a voice vote, the motion passed unanimously.

**ITEM THREE:**                      **VACATION OF RIGHT-OF-WAY**

Address or  
General Location:        2200 N Atlantic Boulevard

Mr. Lochrie gave a presentation of this item on behalf of the applicant to review technical, engineering, parking, and design issues. They have not yet submitted the latest version of the plan for DRC review, but plan to do so in the upcoming weeks. A slide presentation was given shown of the parameters of the street and adjoining properties, previous vacations, history of the development company, partnerships and affiliations, and community input regard the proposed design.

Mr. Lochrie also showed the project as it had been first submitted the previous year versus the redesign of the current proposal, i.e., height requirements, underground parking, lobby access, building revisions to resolve shadowing issues, seawall level plaza and pool area, restaurants, and a spa. He added that major improvements will be made to A1A and 23<sup>rd</sup> Street, with inclusion of a pedestrian portal to the beach along 22<sup>nd</sup> Street.

Another issue addressed was beach area being used by The Palms for parking calculations; none of this area would be used in their calculations, remaining reserved for The Palms and will not be counted twice.

The street to be vacated is on North Atlantic, about .55 acres. The developer proposes making a dedication back to the City of approximately .32 acres.

Current configurations of the street were shown, as well as new pedestrian access to the beach, access through the hotel and to the hotel's facilities; traffic patterns, conditions, and signalization; and drainage.

The developer proposes to maintain the landscaping and improvements on the north side within the City's right-of-way, with new streetscape, significant pedestrian enhancements, wider sidewalks, planter areas, and seating areas. The beach portal will have shade, showers, bicycle racks, steps to a beach café, and transition onto a beach walk.

Cross-sections along 22<sup>nd</sup> and 23<sup>rd</sup> Streets were shown with 8' of landscaping on the north side, and a 24' road width with metered parking of 11 spaces. A greenway is proposed along 22<sup>nd</sup>, with landscaping and a park-like setting. The Palms will continue to have emergency access through to A1A.

Various directional street views were shown.

Mr. Lochrie summarized that the Committee was being asked to vacate North Atlantic between 23<sup>rd</sup> Street and The Palms, as well as the closing of 22<sup>nd</sup> Street to vehicular traffic, turning it into a greenway. A formal vacation application has been submitted.

Mr. Partington asked regarding the area to be vacated and was advised by Mr. Lochrie the total area is 24,152 square feet or .55 acres. The new dedication, along 23<sup>rd</sup> Street and A1A, would be 8,351 square feet, although it could be more. Along 22<sup>nd</sup> Street, the access greenway easement is 2,177 square feet. There will also be an egress for The Palms which was not included in those numbers.

Mr. Partington asked if any A1A frontage would be dedicated; Ms. Scheppsky confirmed that was part of the roadway and sidewalk easement. She also stated it is not expected that the FDOT will be imposing any additional requirements.

Ms. Ingold inquired regarding the parking spaces. Mr. Lochrie explained garage access will be gated and metered parking will be on-street.

Utility relocations will include water, sewer, gas, electric, and cable, with relocation also of the fire main. The utilities have provided letters of no-objection; monies have been given to FPL and BellSouth [AT&T] by the developer for commencement of relocation designs. Public and private utilities will be located separately.

The meeting was then opened for public comment.

- Joe Holland commented that the neighborhood is primarily residential and recreational; he felt it would be more important to the public to have the boardwalk as a north/south pedestrian traverse as compensation for the street vacation.
- Mr. Holland emphasized the precedence of the Palms project regarding compensation that the City had arranged during the vacation of North Atlantic Boulevard by providing the public board walk as ADA and bike, etc. access to the City beach park frontage on the private property side of the east property line.
- Harold Malinsky stated a presentation had been given at the Shores Condominium. The residents had been pleased with the plan; he spoke in favor of approval.
- Frances Reynolds spoke in favor of the project.
- Ursula Grossman, on behalf of White Egret Condominium, submitted a letter of concern asking that there be a reduction of this "massive project."
- Joe Veilly spoke in favor of the project on behalf of the Vue Condominium.
- Greg Moore, Everglades Club Condominium, reported that the condo owners had unanimously supported the project.
- Art Seitz spoke at length about greenways, beach traffic, ramp access to the beach, the residential atmosphere of the neighborhood, and proposed street revisions; he questioned the ultimate benefits to the public of the project.
- Kevin Songer, Galt Towers, spoke about pedestrian traffic, sea turtles, lighting and parking problems, but indicated the Galt Towers residents were in favor of the project.
- Dave Breitenbach, living at The Palms, stated many of the residents are excited about the project; he also discussed the boardwalk as well as pedestrian and bicycle traffic patterns.
- Miranda Lopez spoke about the property and easement vacation, speaking about her concerns regarding the project being in a residential neighborhood.
- Mari Bell encouraged change for the community; she proposed enhancing North Atlantic for public use as a greenway or continuing the walkway from The Palms.

- Brian Donaldson, Birch Park, discussed the north/south route of the boardwalk and the metered parking spaces, speaking in favor of the vacation.
- Frederick Singer, Vue Condominium, spoke about walking along the beach, and was in favor of the vacation.
- Tucker Gibbs, counsel representing The Palms Condominium Association, stated they have been working with the developer and owner and have submitted the plans to their own planner; The Palms will be reserving their final comments until the planner returns with their own comments on the project.
- Molly Hughes stated the original master plan concept was to create a corridor along North Atlantic Boulevard as a pedestrian and bike way, opposed by the neighborhood, which concept was then shifted to 33<sup>rd</sup> Avenue.
- Joe Amorosino, Lauderdale Beach Homeowners' Association, confirmed their support of the project.
- Scott Basista, White Egret Condominium, indicated they have not yet been given a presentation on the project; he expressed concern regarding neighborhood compatibility.
- Jack Cummings, Dolphin Isles, did not feel granting of the vacation would add any benefit to the residents in the area.
- Sandra Noonan spoke in favor of the project.
- Donna Kernin provided letters of support for the project.
- Gary Kelp, Dolphin Isles, spoke in favor of the project on behalf of the voting members of the condominium.
- L. Jamieson stated she is a local realtor, and spoke in favor of the project.

With no other persons wishing to speak, the public hearing was closed.

Ms. Alarcon stated City Parking has reviewed the plans, asking that the developer try to create as much on-street parking as possible for the public.

In response to Mr. Partington's question, Mr. Darmanian confirmed that if the motion is made with conditions, the right-of-way will not be needed for utility purposes, adding that as it currently stands there are utilities in the location which the developer is willing to relocate pending negotiations regarding same with The Palms.

Mr. Girisgen asked regarding the pedestrian greenway and if it would be privately maintained, with the owners willing to commit to a declaration or agreement to that effect. Mr. Lochrie responded that they would agree to put up a bond, if necessary, and will commit to maintain the area, with the City having a right of inspection. Mr. Girisgen also asked that the CRA Director be consulted on the design.

Mr. Lucas discussed fire department access for The Palms as well as the proposed new building. Ms. Scheppsky confirmed that fire access will be provided through The Palms and through an easement agreement, which agreement has not yet been confirmed, but is pending further negotiation. Site Plan approval will not be given until the agreement is obtained. Mr. Lucas also asked about gate setup, and was advised that situation is expected to be improved upon. There will also be signage designating the fire lane.

Mr. Partington confirmed that fire trucks would come in from the south, exiting to the north through a driveway which will also be utilized as a delivery area for The Palms, with no public access.

Mr. Lochrie stated there has been no requirement that a boardwalk be built, stressing that the developer desires access from the hotel directly to the beach. Other issues are DPEP permitting, as well as the sea turtles and lighting. The proposal is for there to be a beach walk, roll-up structure; a laid down material onto the sand for persons wishing to walk on the beach which can be rolled up each evening. Mr. Partington questioned obtaining approvals from other agencies regarding viability of the beach walk; however, Mr. Lochrie offered assurances that the material is "approvable," adding that the developer will commit to including it as part of the project. Mr. Lochrie stated that the roll-up walkway would be put on the beach itself, on the sand.

Mr. Lochrie added that the public will be able to walk through the site via steps from 23<sup>rd</sup> Street and the Beachfront Bar and Grille.

With regard to current umbrellas and beach amenities, Ms. Ingold stated farther down the beach, they are provided through a concessionaire; chairs have to be stacked in a certain pattern to allow for turtle migrations. She indicated there could be a question regarding putting chairs on City beach property for exclusive use of the hotel.

Ms. Ingold also felt the biggest challenge is to retain the perception that the beach is open to the public.

Ella Parker, Planning and Zoning, stated that, in general, Planning does not promote right-of-way vacations due to the importance of maintaining the street grid for better circulation, light and air provisions, etc. Recognizing that this is a technical review, the proposal will be reviewed and evaluated as part of the overall site plan after submittal to DRC and as it moves forward through the review process and public hearings.

Mr. Partington summarized the discussion regarding the utilities, street and vehicle access to 22<sup>nd</sup> Street, commenting that if the street is vacated there will be no available

access without the proposed public walkway connecting to A1A and this should be included as a condition along with granting of the street vacation.

Mr. Terrell remarked that the community is looking for “something to move forward” of which the vacation is an integral part.

Mr. Partington acknowledged he has been persuaded that beach access will be preserved and enhanced. He also maintained it would be “tough to argue” that the street, as it currently exists, is an amenity.

**Motion** made by Mr. Partington, seconded by Mr. Darmanian, to recommend approval of the vacation of North Atlantic subject to the dedication of a 16’ wide public access easement from A1A to join with the right-of-way on 22<sup>nd</sup> Street.

Ms. Alarcon requested either revenue or replacement mitigation for the metered parking spaces on 22<sup>nd</sup> Street.

Mr. Partington then amended his motion to add: subject to mitigation of the loss of the three metered parking spaces on 22<sup>nd</sup> Street, which amendment was seconded by Mr. Darmanian.

A second amendment was requested that the relocation of the utilities are conditional subject to acceptance by the Utility Bureau, which amendment was accepted by Mr. Partington and seconded by Mr. Darmanian.

In a voice vote, the motion passed unanimously.

There being no further business to come before the Committee the meeting adjourned at 12:25 p.m.

[Minutes prepared by L. Edmondson, Prototype, Inc.]